

Claim 1 recites in pertinent part, a "communication unit transmits ... data ... to the support center system, and *receives* the *diagnosis* result based on ... [the] data from the support center system" (emphasis added). It is respectfully submitted that Schillaci is completely silent as to the alleged communication unit 10 receiving *diagnosis* results from the alleged support center system, let alone where the diagnosis results are based on data received from the unit 10. Instead, Schillaci discloses only that the support center system remotely arranged relative to the computer unit 10 is designed to assist the user of the portable computer unit 10 in conducting the tests on the line under test 16, rather than performing and transmitting a diagnosis *to* the computer unit 10 *based on the results* taken from the test after it has been completed.

As noted at col. 2, lines 60-67 of Schillaci, the computer unit 10 "receives ... and operates on the received data [from the test] to convert the measurement results into usable parameter information ... [which] is then linked to the service vehicle's communication subsystem 22, so that it may be forwarded to a line-conditioning device or automated test equipment in central office 12." Accordingly, Schillaci does not suggest that the computer unit 10 *receives* the diagnosis result from a support center system. Instead, Schillaci suggests that the computer unit itself "converts the measurement results into usable parameter information." In this regard, Schillaci at best is merely cumulative to the admitted prior art discussed on page 2, lines 3-20 of Applicants' specification in that the line under test is diagnosed at the site and/or at the support center system. Schillaci does not suggest that the support center system transmits *back to the on-site computer unit 10* the results of the diagnosis allegedly performed at the support center system. In fact, as further disclosed by Schillaci, "computer unit 10 takes the raw data transmitted from the test head 14 and processes the data in accordance with an *on-board* test or line analysis program" (emphasis added; *see* col. 3, lines 27-30).

With respect to communication between the computer unit 10 and support center system, Schillaci is directed to "providing the craftsperson [at the computer unit 10] with information *for controlling the operation of the test system*" (emphasis added; *see* col. 4, lines 5-7), rather than providing information related to diagnosis results. In other words, the communication between the computer unit 10 and the support center system operates to instruct the craftsperson of "what to do next, thereby reducing the skill required of an entry level or 'rookie' technician" (*see* col. 4, lines 40-42) with respect to running tests and connecting to available wireless/wireline paths (*see* col. 4, lines 13+).

In sum, Schillaci does not disclose or suggest that the computer unit 10 receives *diagnosis* results from the remote support center system which are based on test data retrieved by the computer unit 10. The support center system of Schillaci transmits to the computer unit only instructional messages for running the tests and/or connecting to the various communication paths (wireless/wireline, *see* col. 4).

Similarly, claim 9 recites in pertinent part, "wherein the diagnosis result of the inspection data diagnosis unit [of the support center system] is returned to the portable information processor" (emphasis added). Again, Schillaci does not disclose a support center system which includes a diagnosis unit that transmits a diagnosis result back to the portable information processor. Rather, Schillaci is at best cumulative to the admitted prior art to the extent that diagnosis of the test results occur at the computer unit 10 or at the support center system without being transmitted back to the computer unit 10. Both claims 16 and 23 similarly define methods by which a diagnosis result is transmitted to the portable information processor based on data received from the portable information processor.

As anticipation under 35 U.S.C. § 102 requires that each and every element of the claim be disclosed in a single prior art reference, *Akzo N.V. v. U.S. Int'l Trade Commission*, 808 F.2d 1471 (Fed. Cir. 1986), based on the foregoing, it is submitted that Schillaci does not anticipate claims 1, 9, 16, or 23, nor any claim dependent thereon.

Under Federal Circuit guidelines, a dependent claim is nonobvious if the independent claim upon which it depends is allowable because all the limitations of the independent claim are contained in the dependent claims, *Hartness International Inc. v. Simplimatic Engineering Co.*, 819F.2d at 1100, 1108 (Fed. Cir. 1987). Accordingly, as claims 1, 9, 16 and 23 are patentable for the reasons set forth above, it is respectfully submitted that all claims dependent thereon are also patentable. In addition, it is respectfully submitted that the dependent claims are patentable based on their own merits by adding novel and non-obvious features to the combination.

Based on all the foregoing, it is respectfully submitted that claims 1-29 are patentable over Schillaci. Accordingly, it is respectfully requested that the rejection of claims 1-5, 7, 9, 10, 16-19, 21, 23 and 24 under 35 U.S.C. § 102 be withdrawn.

### **CONCLUSION**

Having fully and completely responded to the Office Action, Applicants submit that all of the claims are now in condition for allowance, an indication of which is respectfully solicited. If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, the Examiner is requested to call Applicants' attorney at the telephone number shown below.

09/985,929

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted, ✓

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